

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6419

BILL NUMBER: HB 1056

NOTE PREPARED: Mar 21, 2013

BILL AMENDED: Mar 19, 2013

SUBJECT: Probate and Trust Administration.

FIRST AUTHOR: Rep. McMillin

FIRST SPONSOR: Sen. Steele

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill makes numerous changes concerning a personal representative's employment of an attorney, the powers and duties of a personal representative, guardianships, and the rules of trust construction. It provides that a personal representative may acquire an interest in real property from the estate if the transaction is authorized by an order of the court after notice and hearing. The bill also removes a provision stating that the fee of a surrogate attorney is included in the costs and expenses of estate administration for purposes of prioritizing claims against an estate.

(The introduced version of this bill was prepared by the Probate Code Study Commission.)

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary* - Court caseload will increase to the extent this bill requires a court hearing when previously no court hearing would have been held for the filing of a verified account of guardianship administration. Additionally, the bill increases the number of individuals to whom the court must send notifications concerning a guardianship hearing. Court workload is expected to increase to provide notifications for these additional individuals.

Current statute is silent as to the requirement that courts hold a hearing when a verified guardianship account

is filed with the court. Under the bill, courts will be required to conduct hearings for each verified account filing.

Additional Information - According to the Division of State Court Administration, there were 7,118 guardianship petitions filed in FY 2011. This number includes guardianship petitions for children as well as incapacitated adults.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local courts.

Information Sources: Leslie Dunn, Division of State Court Administration.

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